

**From:** [John McCoy](#)  
**To:** ["Fred S. Wilson"](#)  
**Cc:** ["Anooj Thakrar"](#); [Brook Laskey](#); ["chris.lyon@csb.gov"](#); [Charles Keith](#); ["daniel.horowitz@csb.gov"](#); ["david.vansoest@tceq.texas.gov"](#); ["don.holmstrom@csb.gov"](#); [Eugene LaFlamme](#); ["Hayes Fuller"](#); [Hayes, Mark](#); ["Jim Klick"](#); ["johnnie.banks@csb.gov"](#); ["kathleen.decker@tceq.texas.gov"](#); ["kelly.cook@tceq.texas.gov"](#); ["Kevin Mosley"](#); ["ktaunton@ttsslawfirm.com"](#); [Lori Brown](#); ["lewis.jeffrey@dol.gov"](#); ["Le, Madeleine - SOL"](#); [Laurence Leavitt](#); [Matt Wilber](#); ["Mark Grotefeld"](#); [Matt Rosek](#); ["Patrick Gareis"](#); [Quinones, Edwin](#); [rector.jack@dol.gov](#); [Schoen, Michael - SOL](#); ["susan.jablonski@tceq.texas.gov"](#); ["Waylon Pickett"](#); ["Zona Jones"](#)  
**Subject:** RE: AN removal draft protocol  
**Date:** Tuesday, May 28, 2013 1:33:05 PM

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Fred,

Who would Crane contact about removing the railcar? I think it is believed that UP is experienced in removing damaged railcars, either corporately or by hiring contractors for that work. Can you give guidance about this issue?

John

John V. McCoy  
McCoy Leavitt Laskey LLC  
Riverwood Corporate Center III  
N19 W24200 Riverwood Drive  
Suite 125  
Waukesha, WI 53188  
Phone: (262) 522-7007  
Fax: (262) 522-7020

**NEW:** [JMcCoy@MLLlaw.com](mailto:JMcCoy@MLLlaw.com)  
[www.MLLlaw.com](http://www.MLLlaw.com)

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**From:** Fred S. Wilson [<mailto:FREDWILSON@UP.COM>]  
**Sent:** Tuesday, May 28, 2013 1:23 PM  
**To:** John McCoy  
**Cc:** 'Anooj Thakrar'; Brook Laskey; 'chris.lyon@csb.gov'; Charles Keith; 'daniel.horowitz@csb.gov'; 'david.vansoest@tceq.texas.gov'; 'don.holmstrom@csb.gov'; Eugene LaFlamme; 'Hayes Fuller'; 'hayes.mark@epa.gov'; 'Jim Klick'; 'johnnie.banks@csb.gov'; 'kathleen.decker@tceq.texas.gov'; 'kelly.cook@tceq.texas.gov'; 'Kevin Mosley'; 'ktaunton@ttsslawfirm.com'; Lori Brown; 'lewis.jeffrey@dol.gov'; 'Le, Madeleine - SOL'; Laurence Leavitt; Matt Wilber; 'Mark Grotefeld'; Matt Rosek; 'Patrick Gareis'; 'quinones.edwin@epa.gov'; 'rector.jack@dol.gov'; Schoen, Michael - SOL; 'susan.jablonski@tceq.texas.gov'; 'Waylon Pickett'; 'Zona Jones'  
**Subject:** Re: AN removal draft protocol

John,

Thank you for contacting me about the AN Removal Draft protocol. There is a statement in your email regarding Union Pacific's wish to remove the railcar that I want to correct. Union Pacific is interested in having the opportunity to inspect the railcar prior to its removal. Union Pacific is not interested in removing the railcar. Union Pacific does not own the railcar or the ammonium nitrate.



9452327

Fred S. Wilson  
Sr. General Attorney  
Union Pacific Railroad Law Department  
801 Louisiana, Suite 300  
Houston, TX 77002  
713-220-3224  
713-220-3215 facsimile  
fredwilson@up.com

From: John McCoy <jmccoy@mlllaw.com>  
To: "david.vansoest@tceq.texas.gov" <david.vansoest@tceq.texas.gov>, "kelly.cook@tceq.texas.gov" <kelly.cook@tceq.texas.gov>, "kathleen.decker@tceq.texas.gov" <kathleen.decker@tceq.texas.gov>, "susan.jablonski@tceq.texas.gov" <susan.jablonski@tceq.texas.gov>, "don.holmstrom@csb.gov" <don.holmstrom@csb.gov>, "daniel.horowitz@csb.gov" <daniel.horowitz@csb.gov>, "chris.lyon@csb.gov" <chris.lyon@csb.gov>, "johnnie.banks@csb.gov" <johnnie.banks@csb.gov>, "quinones.edwin@epa.gov" <quinones.edwin@epa.gov>, "hayes.mark@epa.gov" <hayes.mark@epa.gov>, "lewis.jeffrey@dol.gov" <lewis.jeffrey@dol.gov>, "Le, Madeleine - SOL" <Le.Madeleine@DOL.GOV>, "rector.jack@dol.gov" <rector.jack@dol.gov>, "Schoen, Michael - SOL" <Schoen.Michael@dol.gov>, 'Hayes Fuller' <Fuller@namanhowell.com>, Charles Keith <chuckk@craneengineering.com>, Matt Wilber <MattW@craneengineering.com>, 'Mark Grotefeld' <mgrotefeld@ghlaw-llp.com>, 'Zona Jones' <ZJones@provostumphrey.com>, 'Jim Klick' <JKLICK@hhklawfirm.com>, 'Patrick Gareis' <pgareis@ghlaw-llp.com>, 'Waylon Pickett' <wpickett@ghlaw-llp.com>, 'Anooj Thakrar' <athakrar@ghlaw-llp.com>, 'Kevin Mosley' <kmosley@ghlaw-llp.com>, "ktaunton@ttsslawfirm.com" <ktaunton@ttsslawfirm.com>, "fredwilson@up.com" <fredwilson@up.com>  
Cc: Laurence Leavitt <lleavitt@mlllaw.com>, Brook Laskey <blaskey@mlllaw.com>, Eugene LaFlamme <elaflamme@mlllaw.com>, Matt Rosek <mrosek@mlllaw.com>, Lori Brown <lbrown@mlllaw.com>  
Date: 05/25/2013 01:21 PM  
Subject: FW: AN removal draft protocol

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All,

Attached is the drat protocol for AN removal at the site.

I understand state and federal agencies want the removal to occur as soon as possible and before the inspection of June 3-4.

This protocol was put together in consultation with the AN manufacturer. A representative of the AN manufacturer was brought on site on Wednesday of last week to observe the rail car and its contents.

I would like to get approval for TCEQ on this plan or advise of changes.

I understand that the railroad, UP, is interested in removing the railcar once the AN is removed. They are on this e-mail and we ask they coordinate with Crane Engineering for this removal. It will require a protocol that is acceptable to the people on this e-mail.

When we have an approved plan to remove the AN and railcar we will pick a date to implement the plan. We plan to video that removal and share with all "interested parties".

We do not intend to have all "interested parties" attend the removal of the AN or the railcar.

John

John V. McCoy  
McCoy Leavitt Laskey LLC  
Riverwood Corporate Center III  
N19 W24200 Riverwood Drive  
Suite 125

Waukesha, WI 53188  
Phone: (262) 522-7007  
Fax: (262) 522-7020

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[www.MLLlaw.com](http://www.MLLlaw.com)

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**From:** Charles Keith [<mailto:chuckk@craneengineering.com>]  
**Sent:** Thursday, May 23, 2013 8:55 PM  
**To:** John McCoy  
**Cc:** Matt Wilber  
**Subject:** AN removal draft protocol

John

Here is a draft protocol for your review.

Please call to discuss

C

Charles G. Keith, P.E.  
Crane Engineering  
2355 Polaris Lane North  
Plymouth, MN 55447  
(763) 557-9090  
(800) 538-2797  
Fax (736) 557-0710  
[chuckk@CraneEngineering.com](mailto:chuckk@CraneEngineering.com)  
[www.CraneEngineering.com](http://www.CraneEngineering.com)



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[attachment "AN removal protocol draft.docx" deleted by Fred S. Wilson/UPC]

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